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6 UNITED STATES DISTRICT COURT  
7 FOR THE WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 MINAKO YOKOBE and MUNETSUGU  
10 YOKOBE,

11 Plaintiffs,

12 vs.

13 SOUND HEALTH & WELLNESS TRUST;  
14 ZENITH AMERICAN SOLUTIONS;  
15 SCOTT KLITZE POWERS; and ARTHUR  
16 SCHULTZ,

17 Defendants.

Case No. C19-567 RSM

ORDER GRANTING MOTION FOR  
VOLUNTARY DISMISSAL

18 This matter comes before the Court on Plaintiffs' Motion for Voluntary Dismissal. Dkt.  
19 #14. This case was originally filed in King County District Court, East Division, and removed to  
20 this Court on April 15, 2019. Dkt. #1. There is no evidence that an Answer or Motion for  
21 Summary Judgment was filed in the state case, and indeed this is confirmed by Defendants' Motion  
22 to Dismiss under Rule 12(b)(6) and 12(b)(4), Dkt. #12. Defendants filed this Motion to Dismiss  
23 on April 22, 2019. Plaintiffs, apparently unaware of this filing, filed the instant Motion for  
24 Voluntary Dismissal on April 25, 2019.

25 Defendants move for dismissal for improper service and because Plaintiffs have failed to  
26 exhaust administrative remedies. *See* Dkt. #12. Defendants seek dismissal of the Complaint "with  
27 prejudice and without leave to amend until the Plaintiffs timely exhaust their administrative

1 remedies.” Dkt. #12-1. This is essentially asking for dismissal without prejudice with the  
2 condition that Plaintiffs not refile until they exhaust their administrative remedies.

3 Plaintiffs seek dismissal without prejudice and indicate that they intend to exhaust their  
4 administrative remedies before refiling, if necessary. Dkt. #14.

5 The Court finds the parties essentially agree about the proper dismissal of this case.  
6 Dismissal without prejudice is clearly warranted under the circumstances, and the Court need not  
7 wait until the noting date for this Motion to resolve this issue. Having considered the parties’  
8 briefing, the declarations and exhibits in support thereof, and the remainder of the record, the Court  
9 hereby finds and ORDERS that Plaintiffs’ Motion for Voluntary Dismissal (Dkt. #14) is  
10 GRANTED. All remaining Motions are terminated as MOOT. This case is CLOSED.  
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14 DATED this 26<sup>th</sup> day of April 2019.

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17 RICARDO S. MARTINEZ  
18 CHIEF UNITED STATES DISTRICT JUDGE  
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